

REMARKS

Claim 4 has been cancelled. Claim 16 has been added. New claim 16 is effectively the same as previous claim 4, but the language of the claim has been clarified. Other claims which were previously dependent on claim 4 have been amended so as to be dependent on new claim 16. No new subject matter has been added.

The Examiner has objected to the abstract on the grounds that the abstract contains a typographical error. This error has been corrected.

The Examiner has objected to the disclosure on the grounds that the disclosure contains numerous specified typographical errors. These errors have been corrected.

The Examiner has objected to claim 1 because of specified typographical errors. By telephone conversation on March 5, 2010, the Examiner indicated that this objection related to claim 4 and not to claim 1. New claim 16, which is equivalent to previous claim 4, does not contain these errors.

The Examiner has objected to claim 5 because of an incorrect abbreviation. Claim 5 has been amended to correct this error.

The Examiner has rejected claims 4, 14, and 15 as not complying with 35 U.S.C. §102(e) on the grounds that the subject matter of these claims was anticipated by U.S. Application 2004/0150328 (Czerw). Claim 16, which corresponds to previous claim 4, includes the limitation that the device of the claim comprises active material including a conjugated 2,7-carbazolenevinylene derivative. The use of 2,7-carbazolenevinylene is indicated in the chemical structure shown in the claim, and is also made explicit. This is a limitation not taught by Czerw. Czerw teaches the use of 3,6-carbazolenevinylene, which is a different species altogether from 2,7-carbazolenevinylene.

Claims 14 and 15 are dependent on claim 16 and include the same limitation discussed above and not taught by Czerw. The Applicant therefore respectfully submits that Czerw does not anticipate claims 14 to 16 since Czerw teaches a different structure than that recited in the claims.

The Examiner has rejected claims 9 to 11 as not complying with 35 U.S.C. §102(e) on the grounds that the subject matter of these claims was anticipated by U.S. Application 2004/0150328 (Czerw). Claims 9 to 11 are dependent on claim 16 and include the same limitation discussed above and not taught by Czerw. The Applicant therefore respectfully submits that Czerw does not anticipate claims 9 to 11 since Czerw teaches a different structure than that recited in the claims.

In addition, claim 9 has been amended to recite more clearly that the device includes the second active material. It should be noted that the scope of the claim has not changed, but that a difference of opinion regarding the choice of language has been resolved. Claims 10 and 11 as they stand recite details of the second active material.

The Examiner has rejected claim 12 as not complying with 35 U.S.C. §102(e) on the grounds that the subject matter of this claim was anticipated by Czerw. Claim 12 is dependent on claim 16 and includes the same limitation discussed above and not taught by Czerw. The Applicant therefore respectfully submits that Czerw does not anticipate claim 12 since Czerw teaches a different structure than that recited in the claim.

The Examiner has rejected claim 13 as not complying with 35 U.S.C. §102(e) on the grounds that the subject matter of this claim was anticipated by Czerw. Claim 13 is dependent on claim 16 and includes the same limitation discussed above and not taught by Czerw. The Applicant therefore respectfully submits that Czerw does not anticipate claim 13 since Czerw teaches a different structure than that recited in the claim.

The Examiner has rejected claims 4, 5, 7 to 11, and 13 to 15 as not complying with 35 U.S.C. §102(e) on the grounds that the subject matter of these claims was anticipated by U.S. Patent Application 2007/0069197 (Leclerc '197). The sole inventor in Leclerc '197 is also an inventor in the present application. A declaration by Mario Leclerc in support of this fact is submitted herewith under 37 CFR §1.132. The Applicant therefore respectfully submits that any invention disclosed in Leclerc '197 was not an invention "by another", and that the claims therefore comply with 35 U.S.C. §102(e) with regard to Leclerc '197.

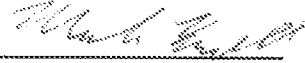
The Examiner has rejected claims 4 and 9 to 15 as not complying with 35 U.S.C. §102(e) on the grounds that the subject matter of these claims was anticipated by U.S. Patent Application 2003/0008172 (Leclerc '172). Two of the inventors in Leclerc '172 are also inventors in the present application, and were the inventors of the overlapping subject matter. Declarations by Mario Leclerc and Jean-Francois Morin in support of this fact is submitted herewith under 37 CFR §1.132. The Applicant therefore respectfully submits that any invention disclosed in Leclerc '172 was not an invention "by another", and that the claims therefore comply with 35 U.S.C. §102(e) with regard to Leclerc '172.

The Examiner has rejected claim 6 as not complying with 35 U.S.C. §103(a) on the grounds that the subject matter of this claim would have been obvious in view of Leclerc '197. The sole inventor in Leclerc '197 is also an inventor in the present application. A declaration by Mario Leclerc in support of this fact is submitted herewith under 37 CFR §1.132. The Applicant therefore submits that any invention disclosed in Leclerc '197 was not an invention "by another" and that Leclerc '197 is not citable against the present application under 35 U.S.C. §102(e). Furthermore, Leclerc '197 was not published until March 2007, and is therefore not citable against the present application under 35 U.S.C. §102(a), and none of the other provisions of 35 U.S.C. §102 apply either. The Applicant therefore respectfully submits that the claims therefore comply with 35 U.S.C. §103(a) with regard to Leclerc '197.

The Examiner has rejected claim 12 as not complying with 35 U.S.C. §103(a) on the grounds that the subject matter of this claim would have been obvious in view of Leclerc '197 and U.S. Patent 4,164,431 (Tang). The sole inventor in Leclerc '197 is also an inventor in the present application. A declaration by Mario Leclerc in support of this fact is submitted herewith under 37 CFR §1.132. The Applicant therefore submits that any invention disclosed in Leclerc '197 was not an invention "by another" and that Leclerc '197 is not citable against the present application under 35 U.S.C. §102(e). Furthermore, Leclerc '197 was not published until March 2007, and is therefore not citable against the present application under 35 U.S.C. §102(a), and none of the other provisions of 35 U.S.C. §102 apply either. The Applicant therefore respectfully submits that the claims therefore comply with 35 U.S.C. §103(a) with regard to Leclerc '197.

In view of the foregoing, it is believed that the claims, description, and abstract as amended herein are in condition for allowance. Reconsideration and action to this end is respectfully requested.

Respectfully submitted,



S. Mark Budd
Registration No. 53,880
Agent of Record

MARKS & CLERK
P.O. Box 957, Station B
Ottawa, ON K1P 5S7 (613)236-9561